Exhibit 3

Phillips Transcript Excerpts

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SCANSOFT, INC.,   )
)
        Plaintiff,   )
)
    v.   )   C.A. No. 04-10353-PBS
)
VOICE SIGNAL   )
TECHNOLOGIES, INC.,   )
LAURENCE S. GILLICK,   )
ROBERT S. ROTH,   )
JONATHAN P. YAMRON,   )
and MANFRED G. GRABHERR,   )
)
        Defendants.   )
)

Job No.: 2458

ORIGINAL

        DEPOSITION OF MICHAEL PHILLIPS, a witness
called by and on behalf of the Defendants, taken
pursuant to the applicable provisions of the Federal
Rules of Civil Procedure, before Dana Welch, CSR,
Registered Professional Reporter, and Notary Public,
in and for the Commonwealth of Massachusetts, at the
offices of Choate, Hall & Stewart, 53 State Street,
Boston, Massachusetts, on Tuesday, February 8, 2005,
commencing at 10:36 a.m.

Page 2

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 1   APPEARANCES:
 2   For the Defendants:
 3        CHOATE, HALL & STEWART, P.C.
          Exchange Place
 4        53 State Street
          Boston, Massachusetts  02109
 5        (617) 248-5000
          By:  Robert S. Frank Jr., Esq.
 6
 7   For the Plaintiff:
 8        BROMBERG & SUNSTEIN, LLP
          125 Summer Street, 11th Floor
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10        By:  Robert M. Asher, Esq.
          And: Jack C. Schecter, Esq.
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Page 3

1   I N D E X

2

3   WITNESS: MICHAEL PHILLIPS   PAGE NO.

4

     By Mr. Frank   4

5

     Certificate of the Reporter   158

6

7

8

9   E X H I B I T S

10

     NO.   DESCRIPTION   PAGE NO.

11

     (Exhibits attached to transcript.)

12

13   1   Notice of Deposition   4

14   2   Schalk Article   58

15   3   Uniden Operating Guide   67

16   4   Machine Design Article   94

17   5   U.S. Patent 5,182,765   107

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Page 4

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 1            (Exhibit No. 1 marked for

 2      identification.)

 3                  P R O C E E D I N G S

 4            (The Massachusetts driver's license

 5      number as identification of the deponent

 6      was noted for the record.)

 7   WHEREUPON,

 8                  MICHAEL PHILLIPS,

 9   having duly sworn or affirmed that his

10   testimony would be the truth, the whole truth,

11   and nothing but the truth, testified as

12   follows:

13                  DIRECT EXAMINATION

14   BY MR. FRANK:

15      Q.  Good morning, sir.  Would you state

16   your name for the record, please.

17      A.  Michael Phillips.

18      Q.  Where do you live, Mr. Phillips?

19      A.  In Belmont, Massachusetts.

20      Q.  Street address, please?

21      A.  39 Howells Road, in Belmont.

22      Q.  Are you presently employed?

23      A.  Yes.

24      Q.  By whom are you employed?
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Page 52

1   requires that the speaker speak a word which

2   upon recognition by the voice recognizer allows

3   the voice recognizer to compare the next

4   utterance against a subset of the templates

5   that it retains in memory?

6   MR. ASHER: Objection.

7   THE DEPONENT: No. I don't think

8   that's the correct characterization.

9   BY MR. FRANK:

10   Q. Okay. You've said that the claim

11   limitation determining whether the command is a

12   first or second type command requires either

13   the speaking of a word followed by a prompt,

14   followed by either a telephone number or a key

15   word, or the speaking of a word followed by a

16   telephone number or a key word without a prompt

17   in between.

18   MR. ASHER: Objection.

19   THE DEPONENT: So first of all, the

20   command is not necessarily a single word.

21   BY MR. FRANK:

22   Q. Okay.

23   A. The command could be a phrase. It

24   could be a set of phrases or a set of words.

Page 53

1   Q.   Yes.

2   A.   But I think with that modification,

3 yes, that's correct.

4   Q.   Okay.   What is the reason for speaking

5 -- is a different word spoken if the user

6 intends to speak a telephone number as

7 distinguished from -- withdrawn.

8   Is it correct that the claim limitation

9 determining whether the command is a first or

10 second type command requires that the speaker

11 speak a different word if it intends -- if he

12 intends or she intends to speak a telephone

13 number next from the word that the speaker

14 would speak if the speaker intends next to

15 speak a key word?

16   MR. ASHER: Objection.

17   THE DEPONENT: So again, I think you

18   said that the user would speak a word.

19   Whereas, in reality, the claims cover a

20   class of commands, you know, a command.   It

21   could be a word, it could be a phrase.   And

22   that command could either be of one or the

23   other type, that could certainly include

24   much more complex syntax than just a single

Page 54

1   word.

2   BY MR. FRANK:

3   Q.   I apologize because you told me that

4   previously and I hadn't meant to omit that.   Is

5   it correct that the word or group of words that

6   the claim requires is different if the speaker

7   intends thereafter to speak a telephone number

8   as distinguished from what the claim requires

9   if the -- if the speaker intends to speak a key

10   word?

11   MR. ASHER: Objection.

12   THE DEPONENT: So you are trying to

13   reword the claims.

14   BY MR. FRANK:

15   Q.   No, I'm not.

16   A.   And I'm not sure what we're trying to

17   achieve by rewording the claims and trying to

18   map some equivalents.

19   Q.   Well, you told me I think that the

20   claim requires that a word or group of words be

21   spoken in advance of speaking a telephone

22   number or in advance of speaking a key word.

23   A.   Yes.

24   Q.   What, as you understand it, is the

Page 55

1   reason for speaking that word or group of words

2   in advance of speaking a telephone number or a

3   key word?

4   MR. ASHER: Objection.

5   THE DEPONENT: So that the claim and

6   the invention doesn't speak to the reason

7   why one would want to do that. I could --

8   various reasons we could talk about why

9   that would be a useful thing to do in a

10   user interface.

11   BY MR. FRANK:

12   Q. What, in your understanding, are the

13   reasons for speaking those prior words or word

14   groups?

15   A. So the possible reasons for this

16   invention is to allow the system to more

17   carefully tailor both recognition vocabularies

18   and even user interface aspects to the type of

19   command the user is trying to provide.

20   So for example, if you're collecting a

21   phone number, you're going to want to apply

22   some sort of constraint to make sure it's

23   really a telephone number. If you're

24   collecting a person's name, you may want to

Page 56

1 have a somewhat different sort of strategy for

2 designating a name.

3   So there's various possible reasons

4 that you'd want to have the system determine

5 whether the user is trying to dial a number by

6 key word or dial a number by telephone number.

7   Q. How does the system determine whether a

8 command is -- what is it about the words that

9 are spoken in advance of a telephone number or

10 key word that allows the system to determine

11 whether the command is a first or second type

12 command?

13   MR. ASHER: Objection.

14   THE DEPONENT: Well, there's many

15   possible implementations of such a feature.

16   It could either be a very simple list that

17   the user needs to either say this, you

18   know, they need to say "digit dial" or

19   "name dial," for example. So it could be a

20   very simple list. Or it could be a much

21   more complex syntactic analysis of the

22   command type to determine the intent of the

23   user.

24 BY MR. FRANK:

1   Q. In any event, is the command different

2   if the speaker intends to speak digits as

3   compared to the command which would be given if

4   the speaker intends to speak a key word?

5   A. Yes.

6   MR. ASHER: Would this be a good time

7   to take break?

8   MR. FRANK: Yes, it would.

9   (Proceedings interrupted at 11:55 a.m.

10 and reconvened at 12:02 p.m.)

11   MR. ASHER: Can I just say, I've been

12 advised that Voice Signal is taking the

13 position that questions about claim

14 construction were not proper for a 30

15 (b)(6) witness and am I to understand from

16 your line of questioning that you're

17 changing that position?

18   MR. FRANK: The -- no. I think that

19 Voice Signal's position is as has been

20 stated in the past.

21   Please mark as Phillips Deposition

22 Exhibit 2 for identification an article

23 entitled "Voice Recognition in Cellular

24 Mobile Telephones." The author is Thomas

1   assumption. Withdrawn.

2   Having studied the '765 patent as

3   recently as yesterday, as well as taken

4   whatever time you need to answer this question,

5   do you believe that the '765 patent describes a

6   system that receives a command from a mobile

7   telecommunication user and determines whether

8   the command is a first or second type command?

9   MR. ASHER: Objection.

10   THE DEPONENT: If you want this level

11   of detail analysis of this rather lengthy

12   document, we need to take a break.

13   MR. FRANK: Okay. Let's take a break

14   so you can discuss it amongst yourselves.

15   (Proceedings interrupted at 2:59 p.m.

16   and reconvened at 3:12 p.m.)

17   BY MR. FRANK:

18   Q. Does the system described in the '765

19   patent receive a command from a mobile

20   telecommunication user?

21   A. No.

22   Q. Why not, in your view?

23   A. Well, no such thing is discussed here.

24   In fact, the digit dialing --

Page 122

1   Q.   When you say no such thing, what's the

2   thing that you're looking for that you're

3   saying is not present?

4   A.   I don't see a description of a command

5   to select among digit dialing and name dialing.

6   In fact, the patent itself refers to the name

7   dialing as a separate embodiment which is

8   separate from the digit dialing; that's in

9   column five at line 33.

10   Q.   Does the system, as described in the

11   '765 patent, determine whether a command

12   received is a first or second type command?

13   MR. ASHER: Objection.

14   THE DEPONENT: No.

15   BY MR. FRANK:

16   Q.   In your view, why not?

17   A.   I see no description of such

18   functionality.

19   Q.   When you refer to such functionality,

20   what do you mean?

21   A.   Determining if a command is a first or

22   second command type.

23   Q.   Are you again -- again, I just want to

24   make sure that we're understanding each other.